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Report of the Secretary-General on elections in the Sudan

I. Introduction

1. In accordance with the Comprehensive Peace Agreement and the Interim National Constitution, general elections at all levels of Government in the Sudan were to be completed by the end of the fourth year of the interim period, that is, by July 2009. On 2 April 2009, the National Elections Commission of the Sudan announced that the national executive and legislative elections envisaged in the Agreement would be held in February 2010. On 1 July 2009, the Commission released a modified timetable according to which the elections are scheduled for April 2010.

2. The present report has been prepared pursuant to Security Council resolution 1870 (2009), in which the Council requested me to provide an assessment and recommendations on measures the United Nations Mission in the Sudan (UNMIS) might take to further support elections and advance the peace process, and to Council resolution 1769 (2007), by which the Council mandated the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to ensure the complementary implementation of all peace agreements in the Sudan, particularly with regard to the national provisions of those agreements, and compliance with the Interim National Constitution.

3. In a letter addressed to my Special Representative for the Sudan, dated 16 August 2008, the Government of Southern Sudan requested support from the United Nations in the following areas: electoral administration and planning; review of the coordination of donor assistance; voter and civic education; ways to increase women's participation; and the preparation of a reliable voters' list for the elections. On 19 February 2009, the Chairman of the National Elections Commission forwarded a request to my Special Representative for support with electoral material; logistics and operational planning; electoral awareness; training of electoral staff, capacity-building and advisory support; and coordination of international assistance to the electoral process. On 12 July, my Special Representative received a further letter from the Commission requesting UNMIS technical support to the State High Committees in northern Sudan.

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II. United Nations needs assessment mission

4. Against this background, and further to the explicit request of the Chairman of the National Elections Commission, the United Nations dispatched a multidisciplinary mission to the Sudan from 28 April to 8 May 2009 to assess (a) the conditions for the conduct of electoral activities; (b) the activities and plans of international donors in providing technical and financial assistance to avoid duplication and ensure a coordinated approach among international donors; and (c) the extent to which United Nations assistance might contribute to the credibility and legitimacy of the electoral process.

5. The mission consisted of representatives of the Departments of Peacekeeping Operations, Political Affairs (including the Electoral Assistance Division) and Safety and Security, as well as the United Nations Development Programme (UNDP). While in the Sudan, the Headquarters team worked closely with colleagues in UNMIS and UNAMID. In Khartoum, Juba and El Fasher, the mission met a variety of actors, including government officials, political parties, civil society representatives, donors, the diplomatic corps and the United Nations country team.

National Elections Act

6. In accordance with the National Elections Act adopted by the National Assembly on 7 July 2008 and signed into law on 14 July 2008, an independent National Elections Commission was established on 25 November 2008, with its headquarters in Khartoum. The Commission is mandated to organize and conduct free and fair elections of the President of the Republic, the President of the Government of Southern Sudan, Governors and Legislative Assemblies at the national, Southern Sudan and State levels. The Commission is to, inter alia, establish the timeline of the electoral process; conduct the registration of voters; establish procedures for elections campaigns; determine geographic constituencies; ensure the correctness of voting procedures, and adopt its operating budget and that for the elections.

7. In accordance with the National Elections Act, on 18 June 2009 the National Elections Commission established the Southern Sudan High Committee and one high committee in each of the 25 States. The High Committees are responsible to the Commission for administering and supervising the elections at the Southern Sudan and State levels. While the particular role and responsibility of the Southern Sudan High Committee vis-à-vis the National Elections Commission and the State committees in Southern Sudan was not further clarified under the Act, the Commission has since delegated to the Southern Sudan High Committee primary responsibility for supervision of the election of the President of the Government of Southern Sudan and of the Southern Sudan Legislative Assembly, in coordination with it and the State high committees in the south.

8. The Elections Act provides for a mixed electoral system under which the President of the Republic and the President of the Government of Southern Sudan shall be elected by an absolute majority of 50 per cent of the valid votes plus one. If no candidate receives such a majority, a run-off election between the two candidates with the highest number of votes is to be held within 60 days of the polling day. Governors are to be elected by the highest number of votes. A mixed system will be used for the election of members of national, Southern Sudan and State assemblies,

wherein 60 per cent of the seats are for single-member constituencies; 25 per cent of the seats will be reserved for women chosen from State-level party lists (proportional representation); and the remaining 15 per cent of the seats are to be filled from general party lists (proportional representation). Voters in the north will therefore cast eight ballots, while voters in the south will cast 12 ballots.

Political Parties Act

9. Under the Political Parties Act, adopted by the National Assembly in January 2007 and signed into law by the President of the Republic on 6 February 2007, an independent Political Parties Affairs Council was established on 25 November 2008. The Council is responsible for the registration of political parties throughout the Sudan; receiving and investigating complaints in this regard; and requesting political parties to abide by their obligations as provided under the Act. These obligations include the requirement to have a statute and rules describing their manifesto, an emblem/logo distinguishing them from other parties, a transparent and public source of funding, and agreement to abide by democratic and consultative principles. Parties are further required to adhere to the Constitution and the rules and regulations of the Council, and their manifesto may not conflict with the Comprehensive Peace Agreement or the Interim National Constitution.

10. Under the Act, 32 previously registered parties were considered to be registered with the new Council and unregistered political parties were given a 90-day deadline in which to register with the Council. From 5 February to 5 May 2009, the Council registered 36 of those unregistered parties, which received certificates of registration in a ceremony on 1 June. Registration of new political parties is ongoing. To date, three additional new parties have been registered, bringing the total number of registered parties to 71. Applications for another seven are under consideration.

11. The Political Parties Affairs Council is preparing, with the support of UNMIS, public information material on its activities, the Political Parties Act, and the registration process. The Council has requested further support from UNMIS in conflict management training and development of a code of ethics for political parties. The Council has announced its intention to establish a democracy centre, which would help to build the capacity of political parties, conduct research and training, and house a library of relevant material.

Status of the operations of the National Elections Commission

12. On 18 June, members of the High Committees of the National Elections Commission were sworn in and have since commenced their work. As at 1 July, 22 experts and 40 administrative and technical support staff at the Commission in Khartoum were in place. An additional seven experts are being identified, including a gender adviser, training expert and High Committee focal points. At the State level, 24 of 25 returning officers are in place and, at the Southern Sudan level, the returning officer is in place.

13. In May, the National Elections Commission created two committees — one policy and one technical — to help to coordinate international assistance and address issues of mutual concern. The Policy Committee is co-chaired by the Commission and my Special Representative for the Sudan, and focuses on electoral issues of a political nature, while the Technical Committee, co-chaired by the

Commission and the UNMIS Chief Electoral Affairs Officer, addresses technical electoral issues. To date, the Policy Committee has met three times and the Technical Committee twice. In order to ensure the best possible assistance from the United Nations to the Commission, my Special Representative suggested to the Commission Chairman on 2 June that the UNMIS Chief Electoral Affairs Officer and the UNDP Senior Electoral Adviser attend the plenary meetings of the Commission. The Commission Chairman informed UNMIS on 3 June that the Commission did not see the need for their attendance at this stage.

14. To date the National Elections Commission has conducted an induction programme for members of its High Committees and returning officers, begun the process of constituency delimitation and reviewed drafts of voter registration forms with UNMIS electoral experts. UNMIS is providing technical assistance to the Commission, the Southern Sudan High Committee and 10 State committees in the south and, in accordance with the request received on 12 July, is preparing to support the 15 northern State committees.

15. Nevertheless, the Commission has not yet completed the operational plan for the conduct and organization of the elections, on the basis of which its original electoral budget of US$ 1.1 billion is to be reviewed. UNMIS, UNDP and donors have offered technical support to the Commission in preparing the budget. Moreover, the Southern Sudan High Committee and State committees are not yet fully operational and lack sufficient financing, logistics and staff.

Elections timetable

16. On 1 July the National Elections Commission released a modified timetable for elections, which foresees the start of polling on 5 April 2010 and the announcement of results on 12 April 2010. The previous timetable, announced by the Commission on 2 April 2009, foresaw polling taking place from 6 to 21 February 2010, and the announcement of the final results on 27 February. The revised timeline allows more of the electoral preparations to take place during the dry season, but some of the operational activities for voter registration will still need to be carried out during the rainy season in the south.

17. According to the modified timetable, the delimitation of geographical constituencies would commence on 10 June and the final draft of constituency boundaries would be prepared by 12 September 2009. The modified timetable further calls for registration of voters to commence on 1 November 2009 and the final list of registered voters to be published on 5 January 2010. The nomination of candidates is to commence on 6 January and the final list published by 2 February. The electoral campaign is to be conducted from 4 February to 4 April 2010. No provision is made in the timetable for the date of a possible run-off in elections for President of the Republic and President of the Government of Southern Sudan.

Census results and the allocation of National Assembly seats

18. On 21 May, the Director-General of the Central Bureau of Statistics announced the census results for northern Sudan. The results for Southern Sudan were announced on 6 June by the Chairman of the Southern Sudan Commission for Census, Statistics and Evaluation. The results showed that the 10 States of Southern Sudan have just over 21 per cent of the total population of the Sudan of 39 million.

19. According to the Chairman of the National Elections Commission, on 6 May the President of the Republic presented the census results to him and the Deputy Chairman of the Commission in the presence of the First Vice-President, Salva Kiir, and the Vice-President, Ali Osman Taha. On 14 June, in a speech to the Southern Sudan Legislative Assembly, the First Vice-President rejected the results of the census. On 17 June, the Southern Sudan Legislative Assembly rejected the determination of Southern Sudan seats in the National Assembly.

20. The census results were also rejected by the major Darfur movements and a number of political parties, as some communities were not covered and some camps of internally displaced persons boycotted the exercise.

21. In accordance with the Comprehensive Peace Agreement and the Interim National Constitution, assembly seats are to be allocated on the basis of the census results. On 15 June, the National Elections Commission announced the allocation of assembly seats; Southern Sudan received 22 per cent and northern Sudan 78 per cent. In accordance with the Comprehensive Peace Agreement, and based on the 1986 census, in the period leading up to elections, 34 per cent of the seats were allocated to Southern Sudan and 66 per cent to northern Sudan.

Constituency delimitation

22. The National Elections Commission has indicated that it began the process of delimitating constituency boundaries on 10 June and reviewed the preliminary report on draft constituency boundaries for 18 States in mid-July. The process is moving more slowly in the Southern States. The task of drawing up more than 740 State geographical constituencies is a difficult challenge for the State High Committees, many of which lack office space, communications and transportation. The Commission has recently requested international assistance to support constituency delimitation.

23. The successful delimitation of constituencies requires agreement on the use of the census results and the delimitation of the North-South border. In the absence of the latter, the National Elections Commission has indicated that it will base preliminary constituency delimitation on the border of 1 January 1956 and that, once the border is delimited, constituency delimitation will be adjusted as necessary.

Voter registration

24. Before voter registration can commence on 1 November, the National Elections Commission will need to take a decision on registration procedures, including a determination of the means and methods of registration. It will also need to undertake a number of operational preparations, including procurement and distribution of registration materials, voter education, hiring and training of registration teams, and establishment of registration sites. Electoral experts have indicated that to meet the date of 1 November, transportation of material would need to begin on 1 October and procurement of material on 1 July. They have stressed that unless the Commission develops a viable registration plan and resource requirements by 15 July, it would be unlikely that the UNDP basket fund could be used to support the process.

25. While UNMIS has offered technical expertise to the National Elections Commission to develop an operational plan for registration, to date the Commission

has not indicated a timeline for the development of the plan. Should the plan and funds be put in place, conducting this exercise in the two months allocated under the electoral timetable will be a significant challenge unless the necessary resources are provided to State-level High Committees, constituencies are delimited adequately and procurement and voter education start in earnest. Even if these steps are taken expeditiously, completion of the exercise in the two-month period will be difficult if the Commission opts for a computerized voter register system, for which procurement, installation and training requirements will be time-consuming.

26. To be eligible to vote, a potential voter must, inter alia, have a personal identification document or a certificate authenticated by the People's Committee at the locality or the native or traditional administrative authority. UNMIS has raised with the National Elections Commission its concern that some elements of the population may not be able to meet the requirements for identification documentation because of practical difficulties in obtaining such documentation. This would be of particular concern for internally displaced persons and in rural areas. To date, no policy has been developed to address this issue.

27. While the National Elections Act provides for Sudanese citizens residing abroad to vote, it does not address the voting rights of refugees who are not in possession of a passport and residency visa.

28. Another complication of the registration process is related to the registration of internally displaced persons. The electoral law requires registrants to have resided in the location they are registering in for at least three months prior to the close of registration. This will complicate voter registration, particularly in regard to the ability of internally displaced persons to register and vote in their home constituencies, as opposed to the constituency in which they are temporarily residing.

Polling preparations

29. The National Elections Commission has indicated its intention to hold the elections for all levels simultaneously. In view of the number of ballots to be cast, namely, eight ballots per voter in northern Sudan and 12 ballots for those in Southern Sudan, UNMIS estimates that the number of voters who can be accommodated per polling station will be 200 — half the standard number of 400 — requiring as many as 100,000 polling stations and implying the need to recruit and train more than half a million polling staff. While this may be achievable in the north, it will be extremely complex in Southern Sudan and in Darfur because of security and logistic constraints. The Commission has acknowledged that there may be problems in some areas and has indicated that it will address these problems as they arise.

Voter education

30. Creating broad understanding among the population of the six elections being held simultaneously will be challenging, particularly in Southern Sudan. According to the UNESCO Institute for Statistics, as of 2000, the nationwide literacy rate was 71 per cent for men and 52 per cent for women. In the south, however, the literacy rate is believed to be under 15 per cent. Moreover, voter education for registration needs to take place during the rainy season, when, in the south, about 50 per cent of households are inaccessible. In this light, and in view of the fact that the last

multiparty elections were held in 1986, significant voter education programmes will be required for the 2010 elections to assist voters in understanding the process and choices before them. The National Elections Commission has several advisers assigned to work on civic and voter education strategies. A task force on this subject was formed in February consisting of the Commission, civil society organizations, and international organizations, including UNMIS. The task force has met twice thus far. UNMIS civic and voter education advisers are now working with Commission advisers on the development of a work plan.

Enabling legislative framework

31. Political parties and civil society organizations have raised concern that there remains a requirement to amend certain laws to ensure the political rights and freedoms necessary for a free and fair electoral process, particularly in regard to the freedom of assembly, speech and the press. These laws include the Criminal Procedures Act, a Press and Publications Act, and the National Security Forces Act. While the Government has taken action to amend most of these laws, concern has been raised that remaining ambiguities in the texts could nevertheless be used to restrict a free and fair electoral environment. In order to ensure respect for basic freedoms and political rights, the Government would, therefore, need to take the necessary action to ensure that these laws concur with the provisions of the Comprehensive Peace Agreement and the Interim National Constitution and that they are implemented accordingly.

32. The Criminal Procedures Act of 1991 provided State Governors and District Commissioners with discretionary powers to regulate and ban public gatherings and rallies to prevent a breach of the peace. On 20 May 2009, the National Assembly amended the law to require Governors and Commissioners to coordinate with the prosecutor and magistrate of the competent jurisdiction in the exercise of this power. While this amendment is meant to provide the checks and balances necessary in the exercise of such powers, concern has been raised that there is no provision in the law that requires review or approval by the prosecutor or magistrate before the ban is enforced.

33. A new Press and Publications Act was adopted by the National Assembly on 8 June 2009 and is awaiting signature by the President. The Act includes provisions that restrict the media's ability to report if deemed necessary to protect national security and public order or if such reporting is seen to be provocative or exaggerating when presenting news of a crime or civil violations. Concern has been raised that further definition should be given to these terms in order to ensure that they are not misused in censoring the press.

34. Since 2006, the parties have been preparing a new National Security Forces Act in accordance with the Comprehensive Peace Agreement. The main contentious issue remains the scope of the authority of the National Intelligence and Security Service. Concern has been raised that this Act be adopted before the holding of elections, as stipulated in the Comprehensive Peace Agreement timeline.

Elections monitoring and observation

35. In accordance with the National Elections Act, the Chairman of the National Elections Commission has invited local, regional and international observers to observe the entire electoral process and has indicated that the Commission will,

within its realm of authority, guarantee their freedom of movement and personal security. As one of its first acts, the Commission invited the Carter Center to observe the electoral process. The coordination of electoral observers to facilitate widespread coverage of the country will be required. It should be noted, however, that logistic and security challenges may limit the presence of observers in some areas.

Views expressed by national stakeholders

36. The parties to the Comprehensive Peace Agreement have publicly reiterated their commitment to the holding of elections as stipulated under the Agreement. Members of SPLM have nevertheless expressed concern over the legislative framework, the results of the 2008 census and their impact on its representation in the National Assembly, and the impact of the unresolved North-South border delimitation on constituency delimitation.

37. Representatives of opposition political parties and civil society based in Khartoum and Juba have also expressed their commitment to the elections and the calendar issued by the National Elections Commission, but have stressed that their participation would be contingent upon the guarantee of basic political freedoms and freedom of movement required to ensure a free and fair election.

38. In Darfur, opposition parties and civil society actors have called on the Government to ensure the freedom of movement, assembly, association and speech required to ensure a free and fair process. Leaders of the internally displaced have expressed the view that peace, security, compensation, and the return of internally displaced persons should come before the holding of elections. They have also expressed the fear that voter registration of internally displaced persons in camps would be tantamount to relinquishing their lands.

39. In regard to the main Darfur rebel movements, the Sudan Liberation Movement/Minni Minawi (SLM/MM) has shown interest in participating in the elections and has applied for recognition as a political party. SLM/MM also indicated to UNAMID that the disarmament and integration of its troops, one of the conditions for registration, had begun. The signatories to the Declaration of Commitment to the Darfur Peace Agreement have also indicated a willingness to register as political parties and take part in the elections.

40. All non-signatory movements, including JEM, SLA/A (Abdul Wahid), SLM/A (Unity) and the United Revolutionary Front, have objected to the holding of elections before the comprehensive settlement of the conflict in Darfur and the return of internally displaced persons to their homes.

III. United Nations and other international assistance support for the elections

41. The United Nations needs assessment mission met members of the donor community and international electoral experts who underlined their commitment to working with the National Elections Commission in addressing the operational challenges ahead.

UNMIS/UNAMID

42. In accordance with its mandate, and as requested by the National Elections Commission, UNMIS is leading United Nations electoral assistance efforts. These efforts are focused on the provision of advisory and technical support to the Commission. Further to its mandate and as requested by the Commission, UNMIS has also taken a leadership role with the Commission in ensuring the coherence of international donor assistance.

43. UNMIS has an authorized strength of 141 electoral staff under the 2009-2010 budget, of which nearly 100 are already deployed in Khartoum (UNMIS headquarters), Juba (Regional Office), the 10 State capitals of Southern Sudan, and El Fasher (Darfur). Within these capabilities, UNMIS is providing technical advice to the Commission and assistance in operational coordination. UNMIS is also establishing a basic technical advisory capability, currently limited to the 10 States of Southern Sudan within current staffing levels, in order to:

(a) Assist and advise the National Elections Commission and State High Committees with the development of operational and logistical plans and procedures for constituency delimitation, voter registration, candidate nominations, complaints and appeals processes and polling, counting and results tabulation.

(b) Assist the State High Committees in developing and disseminating training manuals and voter education materials and in monitoring training and voter education activities.

(c) Support State High Committees in public outreach and liaison with political parties and other stakeholders at the local level.

(d) Support the Commission in disseminating the final constituency boundaries and other key election information.

(e) Support the Political Parties Affairs Council in disseminating election information.

44. To date, UNMIS has prepared detailed databases of logistic, civil society, and media information that will be handed over to the High Committees. However, as the High Committees are newly established and in many cases offices are not yet operational, detailed discussions on public outreach, training and civic education have not yet occurred. UNMIS has submitted a draft concept of operations on voter registration for the consideration of the National Elections Commission and is helping the Commission to finalize its operational plan for voter registration. The Mission is also advising the Commission on procedural issues related to registration and has drafted voter registration forms for its consideration.

45. As requested by the Commission, UNMIS is reviewing its support to the High Committees in the 15 northern States. In order to provide the same assistance in the north as that provided in the south, UNMIS would require an additional 127 personnel (79 United Nations Volunteers and 48 general temporary assistance posts). Seven of these posts will also be used to help the parties to commence planning for the referendum. Communications, transportation and facilities required for these personnel would also be covered by UNMIS. Issues related to UNMIS operating in some cases outside its designated area of operations, as well as any outstanding issues relating to compliance with minimum operating residential

security standards, would need to be addressed before the deployment of these personnel.

46. In addition to the above, the National Elections Commission has requested that UNMIS provide logistic support for registration and polling. On the basis of current operational plans, it is estimated that 16 additional aircraft and some 2,457 additional air hours would be required for these tasks.

47. As elections are a national process, UNMIS plays a lead role in supporting the National Elections Commission in organizing and conducting the elections, including through the deployment of UNMIS personnel throughout the country, as requested. In this regard, UNAMID has and will continue to play a supporting role to UNMIS in assisting the electoral process, as necessary in, inter alia, the provision of logistic support, police training, public information and outreach, subject to the availability of existing resources.

United Nations Development Programme

48. Within the framework of the integrated mission, UNDP complements the role of UNMIS in providing technical assistance to the National Elections Commission, and plays a lead role — with UNMIS support — in areas related to capacity-building and institutional development. UNDP support is provided through the UNDP Support to Elections and Democratic Processes Project, and is funded by donor contributions (a "basket" managed by UNDP).

49. Two UNDP project offices have been established to manage activities of the project. Once fully staffed, the Khartoum office will have a total of 16 staff. In Juba there will be a total of 13 staff. The UNDP project provides support to the electoral authorities and other stakeholders (the Political Parties Affairs Council, civil society, the judiciary, domestic observation groups, media) until the end of 2012 in the following areas:

- Media development
- Domestic observation
- Civic and voter education
- Support to the National Elections Commission, the Southern Sudan High Committee and State-level High Committees for the establishment of offices, procurement, training and capacity development
- Political parties development and training (including support to the Political Parties Affairs Council)
- Elections-related police training (with UNMIS and UNAMID)
- Women's participation (with the United Nations Development Fund for Women (UNIFEM)) and support to political parties
- Training of judges and prosecutors with regard to their role in the elections in close coordination with the UNMIS rule of law office
- Running of the project management team, and monitoring and evaluation of the project.

50. The National Elections Commission has made a request to UNDP for support in all areas of the electoral process, but, as noted above, has not provided a detailed plan on the implementation of the main electoral operations, namely, registration, exhibition of voter rolls, and civic education/voter education. Hence, the initial UNDP budget for support to the Commission reflects the main areas to be supported, but provides only a rough indication of the actual funds that will be required. Moreover, costs of polling have not yet been included in the budget.

51. Contributions to the UNDP basket thus far received (from the European Commission, Denmark, Italy, the Netherlands, Norway, Spain, Sweden and the United Kingdom) for the initial budget of some US$ 42.6 million until the end of 2010 amount to approximately $7 million, leaving a funding gap of $35.6 million. It is expected that the National Elections Commission will develop a budget reflecting additional requirements once it finalizes the electoral plan. Areas of particular need of support, if requested, would include voter registration, polling and elections security. On the basis of cost projections for additional requirements, UNDP has estimated that the total cost of the second phase of activities under the basket fund project could be as high as $100 million.

52. In order to speed up procurement processes related to the National Elections Commission, UNDP is evaluating the capacity of the Commission to receive funding so that it may undertake its own procurement. UNDP would deploy a finance and procurement specialist to the Commission to assist it in this process. This would speed up the process while also building the Commission's finance and procurement capacity.

53. In addition to UNMIS, UNAMID and UNDP, the International Organization for Migration, the United Nations Children's Fund, UNIFEM and the United Nations Office for Project Services have or are expected to play a role in supporting the electoral process.

Other international technical assistance

54. The United States Agency for International Development (USAID) is thus far providing the largest portfolio of assistance to the elections in the Sudan, totalling $95 million for support to the electoral process. These funds are channelled bilaterally through implementing partners, which include the International Foundation for Electoral Systems for support to the National Elections Commission; the National Democratic Institute for International Affairs for support to civic and voter education as well as domestic observation; and the International Republican Institute, for political party support, including training of political party polling agents. While the International Foundation for Electoral Systems has obtained permission to work in the north and south, the other implementing partners of USAID currently have operations only in Southern Sudan and are working with the Government on the required authorizations to expand their activities to the north, including Darfur.

55. In addition to the above, the Friedrich Ebert Stiftung is providing support to civil society organizations to provide civic and voter education and domestic observation activities in both north and south during the elections. International IDEA is also undertaking political party training in Khartoum for 22 political parties, funded by UNDP.

56. In regard to election observers, at the request of the National Elections Commission, the European Union is planning to deploy an exploratory mission to determine whether it will establish a full election observation mission. The African Union has also indicated its intention to deploy observers for either polling or a longer duration.

57. The Carter Center has had a small presence on the ground for the past year and plans to send both long-term and short-term observers to monitor the electoral process. Ten to 12 long-term observers are expected to be in the country by the beginning of voter registration and to follow the process until after the polling. The short-term observers, who would be more numerous, would be in the country for a period of approximately two weeks during the polling, but it is unclear at this point whether Carter Center observers will be deployed throughout the country, including Darfur. The Carter Center has also been awarded a contract to support domestic observation in both the north and south with support from the UNDP basket fund.

58. Other multilateral and bilateral donors are reviewing the extent of assistance they may provide to the electoral process, on the basis of the anticipated plan and budget.

Coordination of international electoral assistance

59. As noted in paragraph 13 above, National Elections Commission coordination committees, co-chaired by UNMIS, on political and technical aspects of elections have been established. The United Nations will continue to support the regular convening and work of the two committees. UNMIS continues to chair donor groups in Khartoum and Juba that were set up prior to the establishment of the Commission. UNMIS will review the need to continue convening those groups in the light of the committees set up by the Commission. In addition, UNDP has established a steering committee for the basket fund, which held its first meeting on 1 July.

IV. Security

60. Experts from UNAMID, UNMIS and the Departments of Peacekeeping Operations, Field Support and Safety and Security will prepare a threat assessment and plans for elections security. These plans will focus on area security in hot spots in coordination with host authorities, as well as security for United Nations personnel. In the meantime, UNMIS and UNAMID police are working with the national authorities in northern and Southern Sudan to prepare local police to carry out elections-related security functions.

61. The police forces of the Government of National Unity and the Government of Southern Sudan are responsible for ensuring the security of the electoral process throughout the country. The Government of the Sudan police has approved a police security plan and budget for the elections and the Government of the Sudan police, UNAMID and UNMIS have prepared training curricula for training police in northern Sudan. UNAMID and UNMIS support in this regard would be carried out under existing resources by redirecting the focus of current training programmes on elections-related security training.

62. The situation in Southern Sudan is somewhat different. While UNMIS and the Government of Southern Sudan police have developed a training curriculum, the Government of Southern Sudan has not yet approved the police plan and budget for elections security. In any case, UNMIS estimates that by focusing on a "training of trainers" approach, the Mission could provide a minimum level of training to the Southern Sudan Police Service within the mandated strength of 715 UNMIS police personnel. This could be achieved through, inter alia, filling remaining vacancies with seconded officers with relevant training experience; redeployment of police personnel currently deployed; use of modern information technology for training purposes where expedient; maximizing cooperation and synergies with UNDP and outreach to donors to identify joint projects; and deployment of police advisers from the Standing Police Capacity.

63. All efforts would be made to minimize the impact on ongoing activities by prioritizing training activities for the respective police services. However, given the logistical challenges and the needs for basic training in Southern Sudan, some ongoing training activities would have to be significantly scaled down and/or suspended for a prolonged period. UNMIS estimates that providing the requested elections security training in Southern Sudan without significantly cutting down on other activities would require 100 additional trainers with the necessary expertise, deployed for a minimum period of six months.

64. In this connection, it should be noted that the strength of the Southern Sudan Police Service stands at around 28,000 officers, according to latest registration and the payroll, of which number only 4,700 have been trained in basic policing. On the basis of an estimated 10,000 polling centres in the south, with at least two Southern Sudan police service officers deployed at each centre, 20,000 officers would be deployed on polling day. None of the Southern Sudan police service officers have been trained in electoral security training and the vast majority lack basic police training. To overcome this gap within a very limited period, UNMIS police, with the available additional 100 trainers, will focus on training 500 Southern Sudan police service trainers in electoral security; for this purpose, six United Nations police trainers will be deployed at each of a total of 16 team sites in the south to conduct a two-week training of trainers course. The 500 trainers would then train up to 400 Southern Sudan police service officers at each team site, with oversight and support provided by UNMIS.

V. Observations and recommendations

65. The Government of National Unity and the National Assembly have taken important steps towards the holding of national elections, including the adoption of the National Elections Act, the establishment of the National Elections Commission, the appointment of State and Southern Sudan-level High Committees, the establishment of the Political Parties Affairs Council, and the registration of political parties. The parties to the Comprehensive Peace Agreement, a number of political parties and civil society actors have expressed their commitment to the holding of elections as stipulated under the Comprehensive Peace Agreement.

66. While I congratulate and support the commitment of the parties to the Comprehensive Peace Agreement to the holding of elections, I am concerned that a number of basic steps have yet to be taken. The most important requirement at this

juncture is that the Government of National Unity, the National Assembly and the Government of Southern Sudan take the steps necessary to provide a free and fair electoral environment. They must guarantee basic political freedoms, including the freedom of assembly, speech and the press, as provided for under the Comprehensive Peace Agreement and the Interim National Constitution. Concrete steps and outreach in this regard would help to strengthen popular confidence in the process.

67. The Government of National Unity and the Darfur movements must address the concerns of the internally displaced persons in Darfur. Concrete steps need to be taken towards a comprehensive peace agreement. These include a cessation of hostilities, and progress towards compensation, land rights and redressing marginalization issues. This would help to create an appropriate environment for the forthcoming elections. Should large segments of the population in Darfur be prevented from participating in elections by the refusal to agree to a cessation of hostilities, technical constraints related to registration, or voluntary or involuntary boycotts of the process, progress towards political stability would be impeded. Accordingly, I urge the Government of National Unity and the Darfur movements to openly discuss these issues and make concrete progress towards a comprehensive peace. The Darfur movements have an obligation to use the opportunity of national elections to pursue their political demands through the ballot box and lay down their arms.

68. I am concerned that elections preparations remain seriously behind schedule and I urge the parties to take the necessary steps to resolve outstanding issues, including differences with regard to the use of the census results. Otherwise, the electoral process could be stalled with negative consequences for the implementation of the Comprehensive Peace Agreement.

69. Education of voters helps to create a free and fair process by deterring spoilers and mistakes at the polling booths. The National Elections Commission has far to go in fulfilling this requirement. Civic education in general helps to create broad understanding and participation in the peace process. I have therefore directed UNMIS and UNAMID to use their public information resources to the extent possible and in cooperation with local actors to help to build understanding and participation, with a particular focus on outreach at the grass-roots level.

70. It is essential that the National Elections Commission take the steps necessary to ensure an inclusive process by addressing the constraints relating to the registration of internally displaced persons, refugees and those without the necessary papers. The Commission must also engage more effectively with donors and technical experts in order to ensure that the operational aspects of the process are carried out in a timely manner. In this regard, the Commission must finalize immediately the elections operational plan and review its initial US$ 1.1 billion budget accordingly so that donors can prepare to support the elections. Unless this requirement is met soon, donors will not be in a position to secure the necessary funding and procure the material necessary to support the process.

71. In view of the above, I would foresee a two-phase approach to the provision of further operational support for the elections. The first phase will build on UNMIS support to the National Elections Commission and the 10 Southern Sudan High Committees by extending similar technical support to the 15 northern States, as outlined in paragraph 45 above. The Departments of Peacekeeping Operations and

Field Support are taking steps towards the immediate deployment of these 127 personnel within UNMIS current resources provided under the Mission's 2009-2010 budget. At the same time, UNAMID and UNMIS police will commence training of local police in elections security within their current capabilities.

72. The second phase of UNMIS support would consist of transportation of material, as timelines and resources allow. I would also recommend under this phase, for the consideration of the Security Council and pending the concurrence of the Government of National Unity, an increase in the authorized police strength of UNMIS from 715 to 815 in order to address sufficiently the elections-related training requirements, primarily in Southern Sudan. The second phase of logistic and police training support would be contingent on the Government of National Unity and the National Elections Commission taking a number of steps, including (a) creating an enabling environment for the exercise of political rights; (b) adopting a viable operational plan and budget for registration and the full electoral process; and (c) addressing registration concerns related to proper documentation to avoid disenfranchisement of certain groups.

73. The financial implications associated with additional support for elections under phase 1 and phase 2 of UNMIS support for elections in the Sudan will be absorbed to the extent possible within the Mission's 2009-2010 budget and will be reflected in the forthcoming financial implications of the present report.

74. Numerous donors and non-governmental organizations are providing electoral assistance to the Sudanese authorities. This is particularly true in the south. UNMIS has taken a leadership role in assisting the National Elections Commission to ensure the coherence of international support and avoid overlap, further to its general coordination mandate under Security Council resolution 1590 (2005) and at the specific request of the Commission. However, under resolution 1870 (2009), the Security Council mandated UNMIS to play a complementary role to that of the international community. This has created some confusion as to the role of UNMIS for some donors. My Special Representative will continue to monitor the situation closely. Should the situation require, I may in the future request the Security Council to further clarify the Mission's lead in supporting the National Elections Commission to facilitate the coherence of international community support to the electoral process.

75. As the elections process proceeds, the parties have started discussions on key issues related to the referendum to be held in 2011 in Southern Sudan and Abyei. I remind them that the referendum is not a date, but a process. No matter the outcome, north and south Sudan must begin without delay to discuss the measures necessary to ensure peaceful coexistence. To this end, I intend to deploy to UNMIS a number of referendum experts who can work with the parties, as requested, in addressing the numerous challenges related to the referendum process.

76. The elections to be held in April 2010 in the Sudan can provide an important opportunity to strengthen national reconciliation and democratic transformation. As experience has shown elsewhere, elections can also be divisive. In this regard, I am deeply concerned about the ongoing tensions and violence, particularly in Darfur, areas of Southern Sudan and the Three Areas. If left unaddressed, elections could further raise tensions in these areas. I thus call on the Government of National Unity, the Government of Southern Sudan and local actors to ensure that sufficient

contingency measures and outreach are undertaken early among their respective constituencies to ease tensions ahead of elections and deter potential spoilers.

77. Solving the political and operational challenges of these elections will require greater political will to compromise and reach agreement than the parties to the Comprehensive Peace Agreement and the Darfur movements have shown recently. Scepticism on the part of local actors that they will deliver is therefore not surprising. Nevertheless, these elections could begin a process of national healing and reconciliation and political transformation that can only strengthen the Comprehensive Peace Agreement and Darfur peace processes and the rightful importance of the Sudan in the community of nations. I strongly urge them not to lose this opportunity.